

AMENDED IN SENATE JUNE 20, 2016

AMENDED IN SENATE MAY 11, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1845

Introduced by Assembly Member Dahle

February 9, 2016

An act to amend Section 5515 of, and to add Section 2081.4 to, the Fish and Game Code, relating to fish.

LEGISLATIVE COUNSEL'S DIGEST

AB 1845, as amended, Dahle. Protected species: take: rough sculpin.

Existing law prohibits the taking or possession of any fully protected fish, except as provided, and designates the rough sculpin as a fully protected fish. The California Endangered Species Act prohibits the taking of an endangered or threatened species, except as specified. The Department of Fish and Wildlife may authorize the take of listed species if the take is incidental to an otherwise lawful activity and the impacts are minimized and fully mitigated.

This bill would permit the department to authorize, under the California Endangered Species Act, the take of the rough sculpin (*Cottus asperimus*) resulting from impacts attributable to replacing the Spring Creek Bridge in the County of Shasta if certain conditions are satisfied.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares as follows:

1 (a) The Spring Creek Bridge at Fall River is an old,
2 150-foot-long multispan wood structure that is constantly exposed
3 to water and in a constant state of decay requiring significant and
4 ongoing maintenance.

5 (b) The bridge provides access to ranches, residences, and
6 United States Forest Service lands. If the existing Spring Creek
7 Bridge fails, traffic will be detoured on to United States Forest
8 Service roads and private, unpaved roads that may be impassable
9 in winter months.

10 (c) In order to maintain access to these lands, the County of
11 Shasta must be authorized to take the rough sculpin to replace the
12 Spring Creek Bridge at Fall River.

13 SEC. 2. Section 2081.4 is added to the Fish and Game Code,
14 to read:

15 2081.4. (a) The department may authorize, under this chapter,
16 the take of the rough sculpin (*Cottus asperimus*) resulting from
17 impacts attributable to replacing the Spring Creek Bridge in the
18 County of Shasta, if all of the following conditions are satisfied:

19 (1) The requirements of subdivisions (b) and (c) of Section 2081
20 are satisfied for the take of the rough sculpin.

21 (2) The department ensures that all further measures necessary
22 to satisfy the conservation standard of subdivision (d) of Section
23 2805 are incorporated into the project.

24 (3) *The take authorization provides for the development and*
25 *implementation, in cooperation with federal and state agencies,*
26 *of a monitoring program and an adaptive management process*
27 *until the department determines that any impacts resulting from*
28 *the replacement of the Spring Creek Bridge have been fully*
29 *mitigated.*

30 (b) This section shall not be construed to exempt the project
31 described in subdivision (a) from any other law.

32 SEC. 3. Section 5515 of the Fish and Game Code is amended
33 to read:

34 5515. (a) (1) Except as provided in this section, or Section
35 2081.4, 2081.6, 2081.7, or 2835, a fully protected fish may not be
36 taken or possessed at any time. No provision of this code or any
37 other law shall be construed to authorize the issuance of a permit
38 or license to take a fully protected fish, and no permit or license
39 previously issued shall have force or effect for that purpose.
40 However, the department may authorize the taking of a fully

1 protected fish for necessary scientific research, including efforts
2 to recover fully protected, threatened, or endangered species.
3 Before authorizing the take of a fully protected fish, the department
4 shall make an effort to notify all affected and interested parties to
5 solicit information and comments on the proposed authorization.
6 The notification shall be published in the California Regulatory
7 Notice Register and be made available to each person who has
8 notified the department, in writing, of his or her interest in fully
9 protected species and who has provided an email address, if
10 available, or postal address to the department. Affected and
11 interested parties shall have 30 days after notification is published
12 in the California Regulatory Notice Register to provide relevant
13 information and comments on the proposed authorization.

14 (2) As used in this subdivision, “scientific research” does not
15 include an action taken as part of specified mitigation for a project,
16 as defined in Section 21065 of the Public Resources Code.

17 (3) A legally imported fully protected fish may be possessed
18 under a permit issued by the department.

19 (b) The following are fully protected fish:

- 20 (1) Colorado River squawfish (*Ptychocheilus lucius*).
- 21 (2) Thicktail chub (*Gila crassicauda*).
- 22 (3) Mohave chub (*Gila mohavensis*).
- 23 (4) Lost River sucker (*Catostomus luxatus*).
- 24 (5) Modoc sucker (*Catostomus microps*).
- 25 (6) Shortnose sucker (*Chasmistes brevirostris*).
- 26 (7) Humpback sucker (*Xyrauchen texanus*).
- 27 (8) Owens River pupfish (*Cyprinodon radiosus*).
- 28 (9) Unarmored threespine stickleback (*Gasterosteus aculeatus*
29 *williamsoni*).
- 30 (10) Rough sculpin (*Cottus asperimus*).